



1632

PATENT
CEDAR 43453 (18810-80645)

April 28, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Keith L. Black and Nagendra S. Ningaraj
Serial No. 09/491,500
Filed: January 26, 2000
For: **METHOD FOR USING POTASSIUM CHANNEL
AGONISTS FOR DELIVERING A MEDICANT TO AN
ABNORMAL BRAIN REGION AND/OR A MALIGNANT
TUMOR**
Examiner: Falk, Anne Marie
Unit: 1632
Confirmation No: 8610

#23/h
Zita
5/13/03

**TRANSMITTAL OF AND RESPONSE TO NOTICE TO COMPLY WITH
REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Mail Stop Sequence
Commissioner for Patents
P. O. Box 1450
Arlington, VA 22213-1450

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO MAIL STOP SEQUENCE, COMMISSIONER FOR PATENTS, P. O. Box 1450, ARLINGTON, VA 22213-1450. ON <u>April 28, 2003</u> DATE	
BY <u>[Signature]</u> ANN WEISS	<u>April 28, 2003</u> (DATE OF SIGNATURE)

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Dear Sir or Madam:

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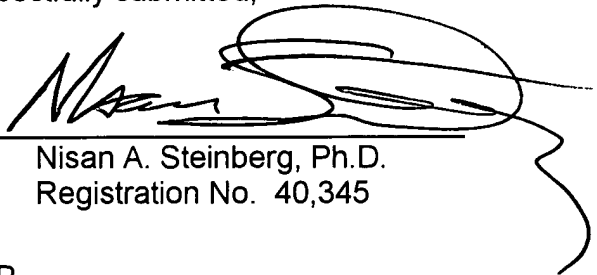
This is in Response to the Office Communication mailed April 10,
2003, for the above-captioned patent application. This response is submitted
on or before May 10, 2003. Applicant has corrected the sequence listing to
identify the organism as *Homo sapiens*.

In compliance with the requirements for patent applications
containing nucleotide sequence and/or amino acid sequence disclosures,
applicant respectfully submits:

1) copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures;

2) a paper copy of corrected sequence listing;
3) computer readable copy of sequence listing; and
4) statement verifying identical paper and computer readable copy and with respect to there being no new matter.

Respectfully submitted,

By: 
Nisan A. Steinberg, Ph.D.
Registration No. 40,345

SIDLEY AUSTIN BROWN & WOOD LLP
555 West Fifth Street
Los Angeles, California 90013-1010
Ofc: 213/ 896-6665
Fax: 213/896-6600

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form. The "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ A substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ A substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

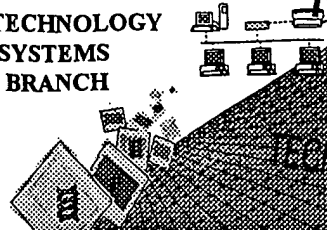
To Purchase PatentIn Software.....703-306-2600

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BIOTECHNOLOGY
SYSTEMS
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RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/491,500
Source: 1609
Date Processed by STIC: 2/19/2003

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THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER
VERSION 3.1 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND
TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual- ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002



Raw Sequence Listing Error Summary

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FEB 25 2003

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ERROR DETECTED**SUGGESTED CORRECTION**SERIAL NUMBER: 09/491,500

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1 Wrapped Nucleics
 Wrapped Aminos The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
- 2 Invalid Line Length The rules require that a line not exceed 72 characters in length. This includes white spaces.
- 3 Misaligned Amino
 Numbering The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
- 4 Non-ASCII The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
- 5 Variable Length Sequence(s) contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
- 6 PatentIn 2.0
 "bug" A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) . Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
- 7 Skipped Sequences
 (OLD RULES) Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence:
 (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
 (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)
 (x) SEQUENCE DESCRIPTION: SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
 This sequence is intentionally skipped

 Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
- 8 Skipped Sequences
 (NEW RULES) Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence.
 <210> sequence id number
 <400> sequence id number
 000
- 9 Use of n's or Xaa's
 (NEW RULES) Use of n's and/or Xaa's have been detected in the Sequence Listing.
 Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.
 In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 10 Invalid <213>
 Response Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or Artificial Sequence
- 11 Use of <220> Sequence(s) missing the <220> "Feature" and associated numeric identifiers and responses.
 Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.
 (See "Federal Register," 06/01/1998, Vol 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
- 12 PatentIn 2.0
 "bug" Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
- 13 Misuse of n n can only be used to represent a single nucleotide in a nucleic acid sequence. N is not used to represent any value not specifically a nucleotide.

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1600

RAW SEQUENCE LISTING

DATE: 02/19/2003

PATENT APPLICATION: US/09/491,500

TIME: 13:49:00

Input Set : A:\Seqlist.txt

Output Set: N:\CRF4\02192003\I491500.raw

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4 <110> APPLICANT: Keith L. Black
 5 Nagendra Ningaraj
 8 <120> TITLE OF INVENTION: METHOD FOR USING POTASSIUM CHANNEL
 9 AGONISTS FOR DELIVERING A MEDICANT TO AN ABNORMAL BRAIN
 10 REGION AND/OR A MALIGNANT TUMOR
 13 <130> FILE REFERENCE: CEDAR-043453 (80645)
 15 <140> CURRENT APPLICATION NUMBER: 09/491,500
 16 <141> CURRENT FILING DATE: 2000-01-26
 18 <160> NUMBER OF SEQ ID NOS: 1
 20 <170> SOFTWARE: FastSEQ for Windows Version 4.0
 22 <210> SEQ ID NO: 1
 23 <211> LENGTH: 9
 24 <212> TYPE: PRT
 25 <213> ORGANISM: Amino acid
 27 <400> SEQUENCE: 1
 28 Arg Pro Pro Gly Phe Ser Pro Phe Arg
 29 1 5

invalid response

**Does Not Comply
Corrected Diskette Needed**

*(see item 10
on Error Summary Sheet)*

VERIFICATION SUMMARY

DATE: 02/19/2003

PATENT APPLICATION: US/09/491,500

TIME: 13:49:01

Input Set : A:\Seqlist.txt

Output Set: N:\CRF4\02192003\I491500.raw